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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,998	04/12/2004	Ian M. Chong	INTE-1-1002	4662
25315 7590 05/16/2008 BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104				
EXAMINER				
KING, ANITA M				
ART UNIT		PAPER NUMBER		
3632				
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05/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/822,998

**Applicant(s)**

CHONG ET AL.

**Examiner**

Anita M. King

**Art Unit**

3632

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-32 and 35-43 is/are pending in the application.
- 4a) Of the above claim(s) 39-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11-13-20-27-30-32 and 35 is/are rejected.
- 7) ☒ Claim(s) 2-10, 14-19, 28, 29, 34 and 36-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

This is the sixth office action for application number 10/822,998, Apparatuses, Systems, and Methods for Positioning a Powered Tool, filed on April 12, 2004.

***Election/Restrictions***

Claims 39-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 30, 2006.

***Response to Amendment***

The indicated allowability of claims 17 and 33 (now canceled) is withdrawn in view of the newly discovered reference(s) to van Nimwegen et al., and in further consideration of previously cited reference to Marti. Rejections based on the newly cited reference(s) follow.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the base end being configured to be tiltable relative to a surface receiving the base end must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,510,972 to Thompson in view of U.S. Patent 6,027,418 to van Nimwegen et al., hereinafter, van Nimwegen. Thompson discloses an apparatus for supporting a tool, the apparatus comprising: a support member (21), the support member being adjustable in length in response to changing a volume of motivating fluid/force (Col. 3, line 65ff) held between a first end and a second end; a control device (A, coupled through 34, 36, 37, & 38) operably coupled with the support member, the control device being configured to change the volume of motivating fluid/force receive a supply of a motivating force and a in response to activation of a user input, the control device being further configured to change the volume by alternately admitting motivating fluid/force from a source or exhausting the motivating fluid/force held by the support member a tool bracket (24) disposed at the first end of the support member, the tool bracket being configured for receiving a tool and

including a tiltable coupling (Col. 3, line 39ff) joining the tool bracket to the support member such that the tool bracket is tiltable relative to a position of the support member; a base end (1) disposed at the second end of the support member, the base end being configured to engage a supporting surface; wherein the control device includes a multiple-position control including an extend position, a contract position, and a neutral position, the control device configured such that when the multiple-position control is in the neutral position the control device neither directs the support member to extend nor to contract; wherein the control device includes an extend control and contract control, the control device being configured so that when neither the extend control and the contract control is actuated, the control device neither directs the support member to extend nor contract; and wherein the control device includes at least one of a hand-operable device (30, 31) or a foot-operable device.

Thompson discloses the claimed invention except for the limitation of the base end being configured to be tiltable relative to a surface receiving the base end. van Nimwegen teaches a base end (32) disposed on a second end of a support member (68), the base end being configured to engage a supporting surface and further configured to be tiltable relation to a surface (12) receiving the base end. It would have been obvious to one having ordinary skill in the art at the time the invention receiving to have modified the surface in Thompson to have received the base end in a tiltable manner for the purpose of providing a means for varying the angle of the base end in relation to the receiving surface.

Claims 20-26 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2,231,631 to Maina in view of U.S. Patent 2,860,938 to Marti. Maina discloses an apparatus for supporting a tool, the apparatus comprising: a support member,

the support member being adjustable in length in response to changing a volume of motivating fluid/force (Col. 2, line 50 - Col. 3, line 1ff) held between a first end and a second end; a control device (7) operably coupled with the support member, the control device being configured to change the volume of motivating fluid/force receive a supply of a motivating force and a in response to activation of a user input, the control device being further configured to change the volume by alternately admitting motivating fluid/force from a source or exhausting the motivating fluid/force held by the support member a tool bracket (6) disposed at the first end of the support member, the tool bracket being configured for receiving a tool and including a tiltable coupling (5) joining the tool bracket to the support member such that the tool bracket is tiltable relative to a position of the support member; a base end (1) disposed at the second end of the support member, the base end being configured to engage a supporting surface; wherein the support member includes an extensible cylinder (3), the extensible cylinder configured for holding the volume of motivating fluid/force and including a shaft (4) and a housing (2), the shaft being slideable within an inner channel of the housing such that relative positioning of the shaft within the housing causes the support member to one of to extend and to contract; wherein the support member includes a pressure cylinder and the motivating fluid/force includes a pressure source (air); wherein the control device is configured to direct a volume of motivating fluid/force under pressure from the pressure source into the pressure cylinder causing the shaft to extend from the housing thereby causing the support member to extend when the user input indicates the support member is to be moved to an extended position; wherein the control device is configured to direct a volume of motivating fluid/force under

pressure from the pressure source into the pressure cylinder causing the shaft to retract into the housing thereby causing the support member to contract when the user input indicates the support member is to be moved to a contract position; wherein the control device is configured to release a volume of motivating fluid/force under pressure from the pressure cylinder allowing the shaft to retract into the housing thereby allowing the support member to contract when the user input device is motivated to a contract position; wherein the pressure cylinder includes a pneumatic cylinder and the pressure source includes a pressurized gas source; wherein the control device includes a multiple-position control including an extend position, a contract position, and a neutral position, the control device being configured such that when the multiple-position control is in the neutral position the control device neither directs the support member to extend nor to contract; wherein the control device includes an extend control and a contract control, the control device being configured so that when neither the extend control and the contract control is actuated, the control device neither directs the support member to extend nor to contract; wherein the control device includes at least one of a hand-operable device or a foot-operable device (8)

Maina discloses the claimed except for the limitation of a support handle extending from the tiltable tool bracket. Marti teaches a tool bracket (21) having a tiltable coupling (17) and a support handle (29) extending from the tiltable tool bracket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the tiltable coupling in Maina to have included the tiltable coupling as taught by Marti for the purpose of providing mechanically equivalent and more efficient means for tilting the tool bracket in relation to the support member.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maina in view of Marti and in further view of U.S. Patent 4,245,826 to Wirges. Maina further discloses a pressurized liquid (Col. 3, line 3). Maina in view of Marti disclose the claimed invention except for the limitation of the pressure cylinder including a hydraulic cylinder and the pressure source. Wirges teaches an adjustable length support member including a hydraulic cylinder and the pressure source including a pressurized liquid source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the cylinder in Maina to have been a liquid pressurized hydraulic cylinder for the purpose of providing an alternative, mechanically equivalent means for adjusting the height of the support member.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maina in view of Marti and in further view of U.S. Patent 2,601,998 to Murray. Maina in view of Marti disclose except for the limitation of the tiltable coupling including at least one of rotatable joint and swiveling joint. Murray teaches an apparatus comprising a support member, a tiltable coupling (42 & 44), and wherein the coupling includes at least one of rotatable joint and swiveling joint. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the coupling in Maina to have included the coupling as taught by Murray for the purpose of providing more degrees of freedom (adjustability) of the coupling to achieve a desired angle of orientation of the tool bracket.



***Allowable Subject Matter***

Claims 2-10, 14-19, 28, 29, 34, and 36-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,882,001 to Ries et al.

U.S. Patent 4,099,697 to Von Schuckmann

U.S. Patent 6,866,596 to Steed et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita M. King/  
Primary Examiner, Art Unit 3632

May 16, 2008